

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT MAURICIO PENATE,

Plaintiff,

v.

R. BURTON,

Defendant.

No. 2:22-cv-00329-TLN-JDP

ORDER

Plaintiff, a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 5, 2022, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 8.) Plaintiff has not filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”).

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1 Having reviewed the file, the Court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

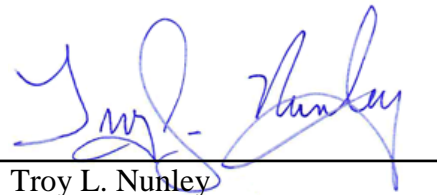
3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The Findings and Recommendations filed October 5, 2022 (ECF No. 8) are
5 ADOPTED in full;

6 2. This action is DISMISSED for failure to prosecute, failure to comply with court orders,
7 and failure to state a claim, for the reasons set forth in the July 1, 2022 Order (ECF No. 6); and

8 3. The Clerk of Court directed to close the case.

9 **DATED: November 22, 2022**

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14 Troy L. Nunley
15 United States District Judge
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